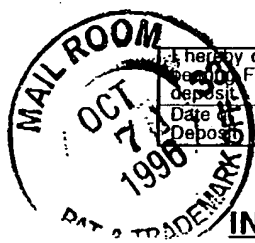

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Date of Deposit	10/2/96	Name of Person Making the Deposit:	MARCIA D. SNEA	Signature of the Person Making the Deposit:	Marcia D. Snea
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

5    **In re Application of: Peppel**  
      **Serial No. :            08/398,862**  
      **Filed:    3/6/95.**  
      **Title: ELECTRONIC TRADING CARD**

**Docket No.:**  
**Art Unit:** 3304  
**Examiner:** O'Neill, M.

10      October 2, 1996

Honorable Commissioner of Patents and Trademarks  
Washington, DC 20231

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## Technology Center 2100

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## RESPONSE

10/24/96

Sir:

20 This Response is provided to the Office Action, dated 8/16/96 for the above-identified patent application.

Please amend the application of follows:

25

## In The Claims

Please amend Claims 2, 6, 13, 22, 26, 32, and 33 as follows:

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2. (amended) The system of Claim 1, said electronic format further comprising:  
 an ETC header identification code that uniquely identifies the ETC;  
 an optional lock and key mechanism to limit access and impose password protection on the ETC;  
 an ETC graphic identification code that may include any of an audio visual logo, a copyright notice, and company information;

multimedia data that may include any of animation, video, pictures, sounds, and text;

pointers to external data and programs embedded in scripts that trigger the display of external media [and/]or run external applications;

5 utility programs;

applications, including any of incomplete linkable code segments, games, puzzles, and utilities; and

a user writable area for any of personalization, messages, voice recording, image storage, and score keeping.

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6. (amended) The system of Claim 5, wherein said puzzle uses timing to generate scarcity in ETCs in any of the following ways:

said ETCs self-destruct [and/]or self erase after a given time has elapsed;

said ETCs are made available for limited times on on-line systems; and

15 said ETCs are time stamped.

13. (amended) The system of Claim 12, wherein said ETCs augment an existing game with additional levels of play, characters, [and/]or other game elements.

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22. (amended) The method of Claim 21, further comprising the steps of:

providing an ETC header identification code that uniquely identifies the ETC;

25 providing an optional lock and key mechanism to limit access and impose password protection on the ETC;

providing an ETC graphic identification code that may include any of an audio visual logo, a copyright notice, and company information;

providing multimedia data on said ETC that may include any of animation, video, pictures, sounds, and text;

30 providing pointers on said ETC to external data and programs embedded in scripts that trigger the display of external media [and/]or run external applications;

providing utility programs on said ETC;

35 providing applications on said ETC, including any of incomplete linkable code segments, games, puzzles, and utilities; and

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Cont.

providing a user writable area on said ETC for any of personalization, messages, voice recording, image storage, and score keeping.

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26. (amended) The system of Claim 25, wherein said puzzle uses timing to generate scarcity in ETCs in accordance with any of the following steps:

self-destructing [and]/or self erasing said ETC after a given time has elapsed;

limiting ETC availability times on on-line systems; and

time stamping said ETC.

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32. (amended) The method of Claim 21, wherein said trading card metaphor further comprises an adventure game, including a plurality of linked ETCs, each ETC adapted to offer clues, hints [and]/or other special properties that give a ETC owner an advantage when playing said adventure game.

33. (amended) The method of Claim 22, wherein said ETCs augment an existing game with additional levels of play, characters, [and]/or other game elements.

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#### Remarks

1. Claims 2, 6, 13, 22, 26, 32, and 33 stand rejected under 35 USC §112 because the Examiner deems the recitation of the term "and/or" to be indefinite. Applicant has remedied this by revising each of said claims to recite the term "or," which relates to alternative embodiments of the invention. Accordingly, the claims are now considered to be in compliance with 35 USC § 112.

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2. Claims 1-39 have been rejected by the Examiner under 35 USC § 102(e) as being anticipated by Smith *et al.*

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Applicant submits herewith a Declaration Under 37 CFR § 1.131 by the inventor, Tyler Peppel, by which the inventor swears behind Smith *et al.* Accordingly, the rejection under 35 USC § 102(e) is deemed avoided.

### Conclusion

5 In view of the Declaration Under 37 CFR § 1.131, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC § 102 and allow the application to issue as a U.S. patent. Applicant would be pleased to discuss the matter with the Examiner should an additional interview be deemed helpful toward concluding examination of the subject application.

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Respectfully Submitted,



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Michael A. Glenn

Attorney for Applicant

Reg. No. 30,176